

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Bail Appl..No. 3949 of 2007()

CRIME NO.225/07 OF THE NHARACKAL POLICE STATION
.....

PETITIONER/1ST ACCUSED

SUMESH, AGED 27 YEARS, S/O.RANI,
KADUVANGASSERY HOUSE, MUNAMBAM KARA,
PALLIPPURAM VILLAGE, KOCHI TALUK.

BY ADV. SRI.B.PREMOD

RESPONDENTS: COMPLAINANT

THE CIRCLE INSPECTOR OF POLICE,
NHARACKAL, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.NO. 3949 OF 2007

Dated this the 29th day of June, 2007

ORDER

Application for regular bail. The petitioner is the 1st accused in a crime registered, inter alia, under Secs.326 and 307 read with Sec.34 of the IPC. The crux of the allegations is that on 17/4/07 at about 11.15 a.m. the petitioner along with others formed themselves into an unlawful assembly and in furtherance of the common object of the unlawful assembly attacked one Praveen – the victim, with an intention to cause his death. Serious injuries have been suffered by the victim. He continues to be under treatment even now. Total amputation of one hand has taken place, it is submitted. Investigation is in progress. Political animosity is the alleged cause.

2. The learned counsel for the petitioner submits that

the petitioner is innocent. The allegations have been raised against him falsely. At any rate, the petitioner, who has been remaining in custody from 4/5/07, may now be enlarged on bail, it is prayed.

3. The learned Public Prosecutor opposes the application. The allegations are serious. Investigation is not complete. The victim is even now under treatment. The alleged motive is political animosity. These circumstances must weigh with the court not to grant bail at this early stage of the investigation, submits the learned Public Prosecutor.

4. I have considered all the relevant inputs. I find merit in the opposition by the learned Public Prosecutor. In a case like the instant one, I am satisfied that the police must be given more time to complete the investigation.

5. In the result, this application is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this Court again for bail at a later stage of investigation - not, at any rate, prior to 13/7/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. To Judge